

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATHANIEL SIMS,

Plaintiff,

-against-

OPTIMUM TV; MICHELLE BAEZ; CON
EDISON,

Defendants.

22-CV-3750 (LTS)

BAR ORDER UNDER
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On May 31, 2022, the Court dismissed the action for lack of subject matter jurisdiction, noted that Plaintiff has filed at least ten other cases dismissed as frivolous, for lack of subject matter jurisdiction, for failure to state a claim on which relief may be granted, or because Plaintiff had been barred from seeking a certain type of relief in this court without leave of the court. The Court ordered Plaintiff, within thirty days, to show cause by declaration why he should not be barred from filing further actions *in forma pauperis* (IFP) in this Court without prior permission. Plaintiff has not filed a declaration as directed. Accordingly, the bar order will issue.

CONCLUSION

The Court hereby bars Plaintiff from filing future civil actions IFP in this court without first obtaining from the court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the action will be dismissed for failure to comply with this order.

The Clerk of Court is directed to enter judgment in this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 29, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge